

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

NAN

PCT

INVITATION TO CORRECT DEFECTS IN
THE INTERNATIONAL APPLICATION

(PCT Articles 3(4)(i) and 14(1) and Rule 26)

To:

JEAN M. LOCKYER
TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111

016325-03600PC

Date of mailing
(day/month/year)

16 Jul 2003

Applicant's or agent's file reference

16325-136PC

REPLY DUE

within 1 months/days from
the above date of mailing

8-16-03

International application No.

PCT/US03/18046 ✓

International filing date
(day/month/year)

05 Jun 2003 ✓

Applicant

METABOLEX, INC. ✓

1. ☒ The applicant is hereby invited, within the time limit indicated above, to correct, in the international application as filed, the defects specified on the attached:

☒ Annex A☐ Annex B1 (text matter of the international application as filed)☐ Annex C1 (drawings of the international application as filed)

2. ☐ The applicant is hereby invited, within the time limit indicated above, to correct, in the translation of the international application furnished under Rule 12.3 or 12.4, the defects specified on the attached:

☐ Annex A☐ Annex B2 (text matter of the translation of the international application)☐ Annex C2 (drawings of the translation of the international application)

Additional observations (if necessary):

HOW TO CORRECT THE DEFECTS?

Correction must be submitted by filing a replacement sheet embodying the correction and a letter accompanying the replacement sheet, which shall draw attention to the difference between the replaced sheet and the replacement sheet. A correction may be stated in a letter only if it is of such a nature that it can be transferred from the letter to the record copy without adversely affecting the clarity and direct reproducibility of the sheet onto which the correction is to be transferred (Rule 26.4).

ATTENTION

Failure to correct the defects will result in the international application being considered withdrawn by this receiving Office (see Rule 26.5 for further details).

A copy of this invitation and any attachments has been sent to the International Bureau

☒ and the International Searching Authority

Name and mailing address of the receiving Office

Mail Stop PCT, Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Facsimile No. 703-305-3230

Authorized officer

Sigfried Hostad

Telephone No. 703-305-3680

Form PCT/RO/106 (January 2003)

Power of Attorney 8-16-03
DOCKETED BY cu

The receiving Office has found the following defects in the international application as filed:**1. As to signature* of the international application (Rules 4.15 and 90.4), the request:**

- a. ☐ is not signed
- b. ☒ is not signed by all the applicants
- c. ☐ is not accompanied by the statement referred to in the check list in Box No. VIII of the request explaining the lack of the signature of an applicant for the designation of the United States of America
- d. ☐ is signed by what appears to be an agent/common representative but:
 - ☐ the international application is not accompanied by a power of attorney appointing him
 - ☐ the power of attorney accompanying the international application was not signed by all the applicants
- e. ☐ other (specify):

* All applicants must sign, including inventors if they are also applicants (e.g. where the United States of America is designated).

2. As to indications concerning the applicant, the request (Rules 4.4 and 4.5):

- a. ☐ does not properly indicate the applicant's name (specify):
- b. ☐ does not indicate the applicant's address
- c. ☐ does not properly indicate the applicant's address (specify):
- d. ☐ does not indicate the applicant's nationality
- e. ☐ does not indicate the applicant's residence
- f. ☐ other (specify):

3. As to the language of certain elements of the international application, other than the description and claims (Rules 12.1(c) and 26.3ter(a) and (c)):

- a. ☐ the request is not in a language of publication accepted by this receiving Office; (the) language(s) accepted by this receiving Office is/are:
- b. ☐ the text matter of the drawings is not in the language in which the international application is to be published, which is:
- c. ☐ the abstract is not in the language in which the international application is to be published, which is:

4. The title of the invention:

- a. ☐ is not indicated in Box No. I of the request (Rule 4.1(a))
- b. ☐ is not indicated at the top of the first sheet of the description (Rule 5.1(a))
- c. ☐ as appearing in Box No. I of the request is not identical with the title heading the description (Rule 5.1(a))

5. As to the abstract (Rule 8):

- ☐ the international application does not contain an abstract

From the INTERNATIONAL BUREAU

PCTNOTICE INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

To:

Jmk
 LOCKYER, Jean, M.
 Townsend and Townsend and Crew LLP
 Two Embarcadero Center
 Eighth Floor
 San Francisco, CA 94111
 ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year)
 18 December 2003 (18.12.03)

Applicant's or agent's file reference

16325-136PC

*016 325-13600PC***IMPORTANT NOTICE**

International application No.

PCT/US03/18046 ✓

International filing date (day/month/year)

05 June 2003 (05.06.03) ✓

Priority date (day/month/year)

05 June 2002 (05.06.02) ✓

Applicant

METABOLEX, INC. et al ✓

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this notice:

AU, AZ, BY, CH, CN, CO, DE, DZ, EP, HU, JP, KG, KP, KR, MD, MK, MZ, RU, TM, US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

AE, AG, AL, AM, AP, AT, BA, BB, BG, BR, BZ, CA, CR, CU, CZ, DK, DM, EA, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, ID, IL, IN, IS, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, TJ, TN, TR, TT, TZ, UA, UG, UZ, VC, VN, YU, ZA, ZM, ZW

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this notice is a copy of the international application as published by the International Bureau on 18 December 2003 (18.12.03) under No. WO 03/103601

4. **TIME LIMITS** for filing a demand for international preliminary examination and for entry into the national phase

The applicable time limit for entering the national phase will, subject to what is said in the following paragraph, be **30 MONTHS** from the priority date, not only in respect of any elected Office if a demand for international preliminary examination is filed before the expiration of **19 months** from the priority date, but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see *PCT Gazette* No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the *PCT Newsletter*, October and November 2001 and February 2002 issues.

In practice, time limits other than the 30-month time limit will continue to apply, for various periods of time, in respect of certain designated or elected Offices. For regular updates on the applicable time limits (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at <http://www.wipo.int/pct/en/index.html>.

For filing a demand for international preliminary examination, see the *PCT Applicant's Guide*, Volume IA, Chapter IX. Only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

It is the applicant's sole responsibility to monitor all these time limits.

DOCKETED BY *CJW*

The International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland

Authorized officer

Judith Zahra

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